



# Town of Groton, Connecticut

## Meeting Minutes

### Town Council

45 Fort Hill Road  
Groton, CT 06340-4394  
Town Clerk (860)441-6640  
Town Manager  
(860)441-6630

**Mayor Harry A. Watson, Councilors Peter J. Bartinik, Jr., Natalie Burfoot Billing, Heather Sherman Bond, Catherine Kolnaski, Frank O'Beirne, Jr., Paulann H. Sheets, Thomas J. Skrmetti, and Elissa T. Wright.**

**Tuesday, September 21, 2004**

**7:30 PM**

**Town Hall Annex - Community Room 1**

#### **REGULAR MEETING**

*Mayor Harry Watson called the meeting to order at 7:30 p.m.*

#### **I. ROLL CALL**

Members Present: Mayor Watson, Councilor Bartinik, Jr., Councilor Billing, Councilor Bond, Councilor Kolnaski, Councilor Sheets, Councilor Skrmetti and Councilor Wright  
Members Absent: Councilor O'Beirne, Jr.

#### **II. SALUTE TO THE FLAG**

*The Salute to the Flag was led by John Parfitt.*

#### **III. RECOGNITION, AWARDS & MEMORIALS**

*Mayor Watson presented Councilor Bartinik a plaque for his ten year service as a member of the RTM.*

##### **2004-0249 Proclamation Recognizing Citizenship Day**

**Read**

*The proclamation was read by Councilor Kolnaski.*

#### **IV. CITIZENS' PETITIONS, COMMENTS AND CONCERNS**

*William Shipman, 15 Gary Court, spoke of his long-term ownership of many homes in the Fort Hill neighborhood. As a landlord he is an active member of the Neighborhood Revitalization Zone (NRZ) and would like to see the ordinance approved. He feels it will further the clean up efforts in Fort Hill Homes. He distributed photos of the neighborhood to the Town Council.*

*Libby Ribarich, 138 Midway Oval, former member of the NRZ Committee, has seen the Fort Hill homes neighborhood upgrade itself with the help of Town leaders, Police Department, and the hard-working members of the NRZ Committee. She feels the proposed property maintenance code is similar to established codes that work well in Groton City, Norwich, and New London. She feels it will work well for the Fort Hill Homes neighborhood. She thanked the many neighbors and town officials that have spent more than five years drafting this ordinance to better the neighborhood.*

*Joe Baril, 26 St. Joseph Court, member of the RTM for District 1, spoke in support of adopting the property maintenance code for the Fort Hill Homes neighborhood. He noted the NRZ Committee tried to put together a property maintenance code that was fair to tenants as well as homeowners.*

*Dana Parfitt, 32 St. Paul Court, spoke in support of the neighborhood revitalization ordinance. She thanked "absentee" landlord William Shipman for his tireless efforts to improve the Fort Hill Homes neighborhood. She noted there is currently no property maintenance code strong enough to address the problems in the neighborhood.*

*Larry Nelson, 50 Midway Oval, has lived in the Fort Hill Homes neighborhood for over 30 years. He spoke in support of the property maintenance code, noting that the neighborhood can still use more improvement. He asked the Town Council to approve the ordinance and revisit it in a year to see how it is working out. He believes the Council will want to adopt it in other parts of Town as*

*well when they see it is working for Fort Hill Homes residents.*

*Jeff Vary, 2 Joliet Court, has lived in the Fort Hill Homes since 1988. He thanked the volunteers who have helped clean up the neighborhood. He emphasized the residents have tried to clean up the neighborhood with what little resources are available. He asked the Town Council to give the property maintenance code a try in his neighborhood to prove that it can work and then consider adopting it in other parts of Town.*

*Zakiyyah Miser, 4 Central Avenue, a new tenant in Fort Hill Homes, said she supports this ordinance and the residents behind it.*

*Florine Green, 155 Midway Oval, a resident of Fort Hill Homes since 1964, spoke in support of passing the property maintenance ordinance. She feels that residents are trying to revamp their properties but more enforcement is needed.*

#### **V. RESPONSES TO CITIZENS' PETITIONS, COMMENTS AND CONCERNS**

*In response to Councilor Bond's questions, Building Inspector Kevin Quinn explained that the Fort Hill Homes property maintenance code will be "complaint" generated. Someone actually has to file a complaint against a property owner whom they feel is in violation of the property maintenance code. Within twenty-four hours an employee from the Town Building Inspection Department will investigate the complaint. If the resident is in violation of the property maintenance code they will receive a written notice and a specific amount of time will be allotted for the property owner to correct the violation. Severe violations by property owners will require immediate attention. The property owner will not necessarily be imposed a monetary fine. They are looking for compliance, not to fine property owners. Property owners may be able to join the Community Development Program if their property needs a large amount of refurbishing.*

*Councilor Sheets noted she has a concern that residents may be imposed a \$90 a day fine if they are in violation of the property maintenance code. She feels many in this neighborhood may not have the funds to do the work needed.*

*Town Manager Mark Oefinger spoke in detail about the Community Development Program established in the Town. He noted the program has been available for over 20 years and millions of dollars have been given to property owners as low-interest loans to fix up their properties. Mr. Oefinger said the Town has to apply to receive funding for the Community Development Program; it is not automatically given to the Town. It has benefited property owners many of whom are located in the Fort Hill Homes area.*

#### **VI. CONSENT CALENDAR**

##### **a. Approval of Minutes**

**2004-0278      Approval of Minutes (Town Council)**

RESOLUTION ACCEPTING TOWN COUNCIL MINUTES

RESOLVED, that the minutes of the Town Council of September 7, 2004 are hereby accepted and approved.

**This Matter was Adopted on the Consent Calendar.**

##### **b. Deletions from the Town Council Referral List**

**1999-0088      Downtown Revitalization**

**This Matter was Deleted from Referral List - No further action on the Consent Calendar.**

**1999-0160      Downtown Mystic Streetscape Improvements**

**This Matter was Deleted from Referral List - No further action on the Consent Calendar.**

**2003-0005      Groton Long Point - Revaluation Study**

- 2003-0047      This Matter was Deleted from Referral List - No further action on the Consent Calendar.  
**Marketing Plan for Attracting New Businesses**
- 2003-0048      This Matter was Deleted from Referral List - No further action on the Consent Calendar.  
**Improving Marketability of Industrially Zoned Lands**
- 2003-0209      This Matter was Deleted from Referral List - No further action on the Consent Calendar.  
**Municipal Industrial Park Proposal**
- 2003-0306      This Matter was Deleted from Referral List - No further action on the Consent Calendar.  
**Ordinance for Adoption of Property Maintenance Code - Fort Hill Homes Area NRZ**
- 2004-0054      This matter was Adopted and referred under Rule 6.5.3 to the Representative Town Meeting, due back on October 13, 2004. The motion carried.  
**Relocation of Eastern Point Students**
- 2004-0099      This Matter was Deleted from Referral List - No further action on the Consent Calendar.  
**Gravel Street Parking**
- 2004-0120      This Matter was Deleted from Referral List - No further action on the Consent Calendar.  
**Aquarion Water Company Rate Increase**
- 2004-0154      This Matter was Deleted from Referral List - No further action on the Consent Calendar.  
**Mystic Market Tripping Hazard**
- 2004-0262      This Matter was Deleted from Referral List - No further action on the Consent Calendar.  
**Bank Depositories for Town Funds**
- 2004-0049      This Matter was Deleted from Referral List - No further action on the Consent Calendar.  
**Benefits of an Economic Development Corporation**
- 2004-0267      This Matter was Deleted from Referral List - No further action on the Consent Calendar.  
**Chelsea Groton Foundation Inc. Grant**
- 2004-0275      This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.  
**Poll Workers on Two Shifts**
- 2004-0050      This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.  
**Railroad Crossing Quiet Zone - School Street**
- 2004-0261      This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.  
**Land/Easement Acquisitions - Pleasant Valley Road South Reconstruction**
- 2004-0272      This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.  
**Steamboat Wharf Dredging**
- 2004-0277      This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.  
**Revised Job Description for Assistant Director of Public Works**
- 2004-0280      This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.  
**Public Hearing to Consider Alterations to Sandy Hollow Road - Scenic Road**
- 2004-0276      This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.  
**c. Special Trust Fund Contributions**  
**Contributions to Special Trust Funds**  
**RESOLUTION ACCEPTING CONTRIBUTIONS TO SPECIAL TRUST FUNDS**

Various Donations - \$390.00 - Groton Utilities Energy Assistance Program  
J. Donald and Jean Simpson - \$60.00 - Social Services Discretionary  
Various Donations - \$507.12 - Groton Utilities Energy Assistance Program

**This Matter was Adopted on the Consent Calendar.**

**Passed The Consent Calendar**

**A motion was made by Councilor Bartinik, Jr., seconded by Councilor Billing, to adopt the Consent Calendar, including all the preceding items marked as having been adopted on the Consent Calendar.**

**The motion carried unanimously.**

**VII. COMMUNICATION REPORTS (Other than Committee Reports)**

**a. Town Councilors**

*Councilor Billing participated in the Mystic 350th Anniversary Parade on Sunday, September 19, 2004 with several other Councilors. She feels it would be a good idea to have some sort of identification, such as a sign indicating their names and that they are Council members for the next parade so parade watchers will know who they are.*

*Councilor Bond attended an Economic Development Commission meeting on Monday, September 20, 2004.*

*She received a report from the Shellfish Task Force indicating that sewage may be leaking out of the sewer pipes in Fort Hill Homes causing contamination in the Poquonnock River. She indicated the sewer pipes will be inspected and testing done to confirm if this is where the contamination is coming from. She feels Ledge Light Health District needs to get more involved in attending meetings and responding to Town requests for help.*

*Councilor Skrmetti attended the Tercentennial Committee meeting. He indicated the Committee has done a lot of planning and work on the events and festivities planned.*

*He received several e-mails from Ed Johnson in reference to a letter he wrote to Congressman Rob Simmons regarding health insurance and salaries.*

*He received a letter from Gordon Lange regarding City secession.*

*Councilor Wright participated in the 350th Anniversary Celebration parade in Mystic. She was also informed about the possibility of sewage contamination into the Poquonnock River. She requested an update on the condition of the sewer construction and status of the consultant engineering study that is underway.*

*Councilor Kolnaski attended Citizenship Day, a Parks and Recreation Town tour, and Family Fun Day at Fitch High School. She thanked the Board of Education for donating the use of the high school gyms for Family Day due to the inclement weather.*

*During the month of September, Mayor Watson attended a Nautilus Museum ceremony, a Shellfish Task Force meeting, Citizenship Day at the Senior Center, a meeting with Governor Jodi Rell in Hartford to present BRAC information, a COG meeting, Groton Family Fun Day, and the Mystic Parade.*

*Mayor Watson thanked Comcast, Shop Rite of New London, and the Parks and Recreation Department for sponsoring Family Fun Day.*

*He received a letter from resident Daniel Tarasevich disputing his tax bill of \$56.79.*

*He noted the Town's on-line GIS program recently won a special achievement award.*

*Mayor Watson received one e-mail from a resident opposed to giving the City of Groton \$80,000 to hire a planner.*

**b. Representative Town Meeting**

*Town Clerk Tarbox noted the September 2004 RTM meeting was cancelled due to lack of business.*

*The next RTM meeting is scheduled for Wednesday, October 13, 2004 at 7:30 p.m. at the Senior Center.*

**c. Clerk of the Council**

*Clerk of the Council Tarbox noted that Election Day and a Town Council meeting are both scheduled for Tuesday, November 2 at the Town Hall Annex.*

*Mayor Watson announced the Town Council meeting scheduled for November 2, 2004 will be cancelled due to the Town Hall Annex being a polling site for the Presidential Election.*

**d. Town Manager**

*Town Manager Mark Oefinger noted there will not be a quorum at next week's Group I and II meetings. Three councilors are unable to attend the Group meetings as well as the COW meeting. He noted the RTM leadership was planning to attend the COW meeting to have a budget discussion. He asked the Council to inform him if they would like to cancel the meeting and/or reschedule the RTM attending the meeting.*

*Mr. Oefinger received a petition from residents of Brookside Village opposed to moving their mailboxes to the edge of the road per the request of the Groton Postmaster. Mr. Oefinger said the Postmaster is requesting this for safety and cost concerns.*

*The new Welcome to Groton sign will be installed next week. There will be a ceremony at the USS Nautilus next week, as well as a dinner at the Groton Inn and Suites on October 2, 2004 celebrating the Nautilus' 50th anniversary.*

*Mr. Oefinger said he will be out of Town from September 29, 2004 - October 8, 2004. Doug Ackerman, Director of Administrative Services, will fill in for Mr. Oefinger during his absence. Next week follow-up interviews will be conducted with the eight remaining architecture firms for the proposed new schools.*

*Assistant to the Town Manager Lee Vincent noted he is serving as the Shellfish Task Force Chairman. The Task Force is aware of the high bacterial readings in the Poquonnock River. He noted samples will be taken from the sewer pipes leading from Fort Hill Homes to the Poquonnock River in an effort to track down the problem. Mr. Vincent said the Ledge Light Health District representative did show up at the end of the second meeting and he has plans to meet with him in the near future to discuss the issue.*

**e. Town Attorney**

*None.*

**VIII. COMMITTEE REPORTS**

**a. Community & Cultural Development - Chairman Billing**

*No meeting. No report.*

**b. Economic Development - Chairman Bond**

*Chairman Bond read the minutes of the September 14, 2004 committee meeting which are on file in the Town Clerk's office.*

**c. Education/Health & Social Services - Chairman Kolnaski**

*Chairman Kolnaski read the minutes of the September 14, 2004 committee meeting which are on file in the Town Clerk's office.*

**d. Environment & Recreation - Chairman Sheets**

*No meeting. No report.*

**e. Finance - Chairman Wright**

*Chairman Wright read the minutes of the September 14, 2004 committee meeting which are on file in the Town Clerk's office.*

**f. Personnel/Appointments/Rules - Chairman O'Beirne**

*Acting Chairman Billing read the minutes of the September 14, 2004 committee meeting which are*

*on file in the Town Clerk's office.*

**g. Public Safety - Chairman Skrmetti**

*No meeting. No report.*

**h. Public Works - Chairman Bartinik**

*Chairman Bartinik read the minutes of the September 14, 2004 committee meeting which are on file in the Town Clerk's office.*

**i. Committee of the Whole - Mayor Watson**

*Mayor Watson noted the COW met September 14, 2004 and the meetings are televised for the public.*

**IX. UNFINISHED BUSINESS**

*None.*

*Mayor Watson called a recess at 8:40 p.m.*

*The meeting reconvened at 8:50 p.m.*

**X. NEW BUSINESS**

**2004-0267**

**Chelsea Groton Foundation Inc. Grant**

RESOLUTION APPROVING A GRANT APPLICATION TO CHELSEA GROTON FOUNDATION FOR THE GROTON PUBLIC LIBRARY

WHEREAS, the Groton Public Library plans to carry out a project for the digital recording and preservation of photographs and other important documents of Groton's history, and

WHEREAS, several individuals have extensive personal collections which they will allow the Town to digitize and then make available to the public, and

WHEREAS, the coming celebration of the Town of Groton Tercentennial makes it especially timely to undertake this work, and

WHEREAS, the Chelsea Groton Foundation supports charitable, educational and other organizations that provide quality-of-life programs, now therefore be it

RESOLVED, that the Town Manager may apply for a Chelsea Groton Foundation grant of \$5,775.50.

**A motion was made by Councilor Wright, seconded by Councilor Kolnaski, that this matter be Adopted.**

**The motion carried unanimously.**

**2004-0275**

**Poll Workers on Two Shifts**

RESOLUTION APPROVING EMPLOYMENT OF POLL WORKERS ON TWO SHIFTS

WHEREAS, the Registrars of Voters for the Town of Groton have requested the permission of the Town Council to employ poll workers for shifts of less than the full number of hours of voting, and

WHEREAS, it appears that shifts of fewer hours will enable the registrars to recruit more willing and qualified poll workers, and

WHEREAS, Sections 9-235a and 9-258a of the Connecticut General statutes allow election officials, except for moderators, to be employed on two shifts upon the vote of the Town's legislative body, now therefore be it

RESOLVED, that the Registrars of the Town of Groton, may employ election officials on two

shifts, except for moderators.

**A motion was made by Councilor Billing, seconded by Councilor Kolnaski, that this matter be Adopted.**

*Councilor Kolnaski is in favor of this referral.*

*Councilor Billing is also in favor. She announced that poll workers are needed to work on Election Day November 2, 2004. She told the public to please contact the Town Hall if they are interested in working 8 hours instead of 16 hours.*

*Councilor Sheets mentioned that poll workers are also compensated for time spent at the polls.*

**The motion carried unanimously.**

**A motion was made by Councilor Skrmetti, seconded by Councilor Billing, that the following matter be Adopted.**

**2004-0050 Railroad Crossing Quiet Zone - School Street**

**RESOLUTION AUTHORIZING THE DESIGNATION OF A RAILROAD CROSSING QUIET ZONE**

WHEREAS, the Federal Railway Administration has provided an open period between December, 2003, and December, 2004, in which local public authorities may designate railroad quiet zones where the presence of Supplemental Safety Devices (SSMs) may justify a ban on locomotive whistles, and

WHEREAS, the School Street crossing includes "four-quad gates" which are the most advanced and recommended form of protection for high-speed railroad crossings, and

WHEREAS, residents of Groton in the areas near the School Street grade crossing at the West Mystic Post office have persistently petitioned for a whistle ban, and

WHEREAS, the Town of Groton is a "public authority" within the meaning of US FRA regulations, and

WHEREAS, the Town Council is advised that a Town ordinance is not required either by Federal regulations or by the Town Charter, now therefore be it

RESOLVED, that the Town Manager may take appropriate steps to designate a single crossing quiet zone to apply to trains approaching and passing through the School Street grade crossing (FRA Inventory Number 500-278J).

**A motion was made by Councilor Sheets, seconded by Councilor Kolnaski, that this matter be Amended.**

*Councilor Sheets would like the "Resolved" portion of the referral to be worded more clearly to reflect the fact that the open time window closes in December 2004.*

**The motion carried unanimously.**

**2004-0050 Railroad Crossing Quiet Zone - School Street**

**RESOLUTION AUTHORIZING THE DESIGNATION OF A RAILROAD CROSSING QUIET ZONE**

WHEREAS, the Federal Railway Administration has provided an open period between December, 2003, and December, 2004, in which local public authorities may designate railroad quiet zones where the presence of Supplemental Safety Devices (SSMs) may justify a ban on locomotive whistles, and

WHEREAS, the School Street crossing includes "four-quad gates" which are the most advanced and recommended form of protection for high-speed railroad crossings, and

WHEREAS, residents of Groton in the areas near the School Street grade crossing at the West Mystic Post office have persistently petitioned for a whistle ban, and

WHEREAS, the Town of Groton is a "public authority" within the meaning of US FRA regulations, and

WHEREAS, the Town Council is advised that a Town ordinance is not required either by Federal regulations or by the Town Charter, now therefore be it

RESOLVED, that the Town Manager shall take appropriate steps to designate a single crossing quiet zone to apply to trains approaching and passing through the School Street grade crossing (FRA Inventory Number 500-278J) and to do so within the open period, before December 1, 2004.

**A motion was made that this matter be Adopted as Amended.**

**The motion carried unanimously.**

**2003-0306**

**Ordinance for Adoption of Property Maintenance Code - Fort Hill Homes Area NRZ**

RESOLUTION APPROVING AN ORDINANCE FOR ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE 2000 FOR THE FORT HILL HOMES NEIGHBORHOOD REVITALIZATION ZONE

WHEREAS, the Town Council Committee of the Whole has extensively considered a request from neighborhood residents for adoption of a specific property maintenance code, including holding a public hearing in December, 2003, and

WHEREAS, the Town Council has received a petition and citizen statements in opposition to the proposed code and has considered those concerns as expressed, and

WHEREAS, the Town Council deems that the adoption of the property maintenance code will benefit the neighborhood by encouraging and assisting in better practices without causing unfair hardships, and

WHEREAS, the Town Council desires that the detailed implementation of the property maintenance code should be monitored closely and that the NRZ Committee should be encouraged to report back periodically as to its views on the operation of the Code, now therefore be it

RESOLVED, that the Town Council approves the Ordinance for Adoption of International Property Maintenance Code 2000 for Fort Hill Homes Area Neighborhood Revitalization Zone, as follows:

**ORDINANCE FOR ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE 2000 FOR FORT HILL HOMES AREA NEIGHBORHOOD REVITALIZATION ZONE**

Be it ordained by the Town Council of the Town of Groton:

**Section 1. Purpose and Title**

An ordinance establishing the minimum regulations governing the conditions and maintenance of all property, buildings and structures within the boundaries of the Fort Hill Neighborhood Revitalization Zone as described and defined by Groton Ordinance Section 9-217; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use; the demolition of such structures; known as the Property Maintenance Code 2000 for the Fort Hill Neighborhood Revitalization Zone.

**Section 2. Legislative Findings of Fact**

(a) It is hereby found that through the efforts of property owners and residents of the area of the

Town of Groton known as the Fort Hill Neighborhood Revitalization Zone and of various Town of Groton officials and agencies, the condition of many of the residential structures and properties within said Neighborhood Revitalization Zone has been markedly improved since the creation of the Neighborhood Revitalization Zone Committee. But it is also hereby found that despite such efforts, the condition of many residential structures and properties within said Neighborhood Revitalization Zone remains substandard and that such conditions adversely affect public health and safety and lead to the continuation, extension and aggravation of deterioration within said Neighborhood Revitalization Zone.

(b) It is further hereby found that adequate protection of the public health, safety and welfare of the residents of said Neighborhood Revitalization Zone and of all other residents of the Town of Groton therefore requires the establishment and enforcement of certain minimum property maintenance standards to be applied within said Neighborhood Revitalization Zone.

(c) It is further hereby found that the deteriorated and blighted structures and properties continue to exist within said Neighborhood Revitalization Zone to an extent and a degree not found in other areas of the Town of Groton.

(d) It is thereby further found that the enactment and enforcement of a Property Maintenance Code to be applied only within the boundaries of the Fort Hill Neighborhood Revitalization Zone is essential to the continuation and completion of the rehabilitation and restoration of the structures and properties within the zone and to the continued and increasing well being of its residents.

Section 3. Pursuant to authority granted the Town by the Connecticut General Statutes, including without limitation by Connecticut General Statutes 7-148 (c )(7)(H)(xv), a certain document, copies of which are on file in the office of the Town Clerk of the Town of Groton, being marked and designated as the International Property Maintenance Code 2000 as published by the International Code Council, Inc., be and is hereby adopted as the Property Maintenance Code of the Fort Hill Homes Neighborhood Revitalization Zone for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 4 of this ordinance.

Section 4. The following sections are hereby revised:

Section 101.1. Insert: Town of Groton Fort Hill Homes Area - Neighborhood Revitalization Zone (NRZ)

Section 103.0. Insert: Whenever Department of Property Maintenance Inspection is used in the Property Maintenance Code and in the ordinance, the Office of Planning and Development Services, Inspection Services, shall be inserted. All references to Code Official shall also apply to other designated inspectors as shall be necessary for administration of this code, and as authorized by the appointing authority.

Section 103.6. Delete

Section 106.1. Delete existing and change to:

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, maintain, fail to maintain, provide, fail to provide, occupy, let to another or occupy or permit another person to occupy any premises, property, structure or equipment regulated by this code, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this code, or to fail to obey a lawful order of the code official, or to remove or deface a placard or notice posted under the provisions of this code.

Section 106.3 Delete existing and change to:

In case of any unlawful acts, the code official shall institute an appropriate action or proceeding at law to exact the penalty provided in Section 106.4. The code official shall ask the jurisdiction's legal representative to proceed at law or in equity against the person responsible for the violation for the purpose of ordering that person:

1. To restrain, correct or remove the violation or refrain from any further execution of work;
2. To restrain or correct the erection, installation, maintenance, repair or alteration of such structure;
3. To require the removal of work in violation; or

4. To prevent the occupancy of the structure that is not in compliance with the provisions of this code.

Section 106.4. Delete existing and change to:

Violation of Penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws, and the fine will be up to \$90. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

110.1 Correct spelling: insanitary to unsanitary.

Section 111.2 Change: Minimum of three (3) members to five (5) members.

Section 302.8 Delete: the second sentence in the first (1st) paragraph: "Painting of vehicles is prohibited unless conducted inside an approved spray booth".

Delete: "Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes."

Replace deleted exception with the following:

Exception: A vehicle is permitted to undergo repairs, excluding body work, provided that such work is performed inside a structure approved for such purposes. And provided further that such vehicle is owned by the occupant of the premises. The spray painting of vehicles of any kind is not permitted anywhere on the premises unless approved and licensed by the State of Connecticut for such purposes.

Section 303.5 Add: and skirting, "after all foundation walls".

Section 303.14. Insert: May 1st and October 15th.

Delete a portion of the 1st sentence: "and every swinging door shall have a self-closing device in good working condition".

Section 305.3.1 Add: Except when the dwelling is rented or leased, then the tenant/occupant shall be responsible for the provision of an approved leakproof covered outside garbage container(s).

Section 402.4 New Addition: Lighting. All residential occupancy shall have available lighting at all means of egress, including outside stairways to the dwelling.

Section 602.3. Delete: "during the period from [DATE] to [DATE]".

Section 602.4. Delete: "during the period from [DATE] to [DATE]".

Section 702.2. Add: Change International Fire Code to State of Connecticut Fire Code.

Section 5. That Ordinance Number \_\_\_\_ of the Town of Groton entitled International Property Maintenance Code 2000 for the Fort Hill Homes Neighborhood Revitalization Zone is adopted, and if any other ordinance or parts of ordinances are in conflict herewith, the more restrictive provision shall apply.

Section 6. That nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 4 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 7. That the Town Clerk shall certify to the adoption of this ordinance, and cause the same to be published as required by law; and this ordinance shall take effect and be in force from and after its approval as required by law.

Refer to RTM.

**A motion was made by Mayor Watson, seconded by Councilor Bond, that this matter be Adopted and referred under Rule 6.5.3 to the Representative Town Meeting, due back on October 13, 2004.**

*Councilor Sheets said she can not support this resolution. She respects the effort that has gone into improving the quality of life in the Fort Hill Homes neighborhood. As an attorney and someone who has studied government for years, she feels the code is not in compliance with the definition of "blight". The ordinance is defined by the term "blighted" homes. Her own two-hour investigation of Fort Hill Homes did not convince her that the housing is substandard in that neighborhood. She was impressed by most of the properties. She feels the evidence of the photos tonight was mixed. She supports community policing, trash pick-up, and the Community*

*Development Program. These things can all be done without the ordinance in place.*

*Councilor Skrmetti requested the Town Manager give the Town Council an annual status report on the neighborhood ordinance should it pass.*

*Councilor Wright noted that in her travels through the Fort Hill Homes neighborhood, she has noticed that the condition has vastly improved over the last decade. She agrees with Councilor Sheets in reference to the definition of "blight". Without a definition of housing "blight" in the ordinance and/or a broad factual finding of blight in the neighborhood, she questions the authority of the enactment of a specific code that is not Town wide.*

*Councilor Kolnaski supports the ordinance. She feels the NRZ Committee has worked very hard to improve their neighborhood. The Town Council can receive updates on how the ordinance is doing if passed. She feels the Council should support what the majority of Fort Hill Homes residents want and that is to improve their neighborhood. She noted Councilor O'Beirne also supports this ordinance.*

*Councilor Billing noted that the Town Attorney's opinion is that the ordinance can be supported "as is". The word "blight" can be deleted and the ordinance still adopted. She feels this should be looked at as a "pilot" program and see in time what needs adjusting in the language of the ordinance. She believes the ordinance is a very positive one that can address problems that exist in the Fort Hill Homes that are different than in other parts of Town.*

**The motion carried by the following vote:**

**Votes:** In Favor: 6 - Mayor Watson, Councilor Bartinik, Jr., Councilor Billing, Councilor Bond, Councilor Kolnaski and Councilor Skrmetti  
Opposed: 2 - Councilor Sheets and Councilor Wright

**2004-0261**

**Land/Easement Acquisitions - Pleasant Valley Road South Reconstruction**

**RESOLUTION APPROVING LAND EASEMENT ACQUISITION FOR RECONSTRUCTION OF PLEASANT VALLEY ROAD SOUTH**

WHEREAS, the reconstruction of Pleasant Valley Road South was authorized by a bond referendum of \$3,833,986 in November, 2001, and

WHEREAS, the ordinance for this project included funds for the acquisition of necessary property rights for right-of-way and drainage, and

WHEREAS, care was taken in the road's design to minimize impacts to the abutting property owners, and

WHEREAS, the cost of the project is now expected to be substantially lower than the amount that was approved for borrowing, and

WHEREAS, the land needed by the Department of Public Works has been professionally appraised at a total value of about \$44,700, now therefore be it

RESOLVED, that Town staff may negotiate with each property owner, and if the needed land or easements can be purchased for not more than the total appraised value, may enter into legal agreements for such acquisitions, and be it

FURTHER RESOLVED, that the Town Manager may execute all legal and related documents necessary for the effectuation of this Resolution.

**A motion was made by Councilor Kolnaski, seconded by Councilor Billing, that this matter be Adopted.**

**The motion carried unanimously.**

**2004-0272 Steamboat Wharf Dredging**

RESOLUTION MAKING AN APPROPRIATION FROM GENERAL CONTINGENCY FOR DREDGING AT STEAMBOAT WHARF

WHEREAS, silt accumulation has again occurred in a lagoon of the Mystic River adjacent to the property known as Steamboat Wharf, and

WHEREAS, it is understood that the silt at that location results from a combination of runoff from both State and Town of Groton surfaces, and

WHEREAS, the State Department of Transportation has obtained permits for five years of dredging, including permits for the placement of the dredged material, and

WHEREAS, if this dredging is carried out promptly, it can be performed at a reasonable cost by using Town staff and equipment, now therefore be it

RESOLVED, that the Town Council approves a transfer of \$21,000 from the General Contingency appropriation for FYE 2005 to the Department of Public Works.

Refer to RTM

**A motion was made by Councilor Bond, seconded by Councilor Kolnaski, that this matter be Adopted and Referred to the Representative Town Meeting, due back on November 10, 2004.**

*Councilor Skrmetti suggested Groton dispose of the dredged material with similar material New York is disposing of from a larger area of water they are dredging.*

*Town Manager Oefinger speculated that New York is probably dumping the dredged material into the ocean, but he will find out for sure.*

**The motion carried unanimously.**

**2004-0277 Revised Job Description for Assistant Director of Public Works**

RESOLUTION APPROVING A REVISED JOB DESCRIPTION FOR ASSISTANT DIRECTOR OF PUBLIC WORKS

WHEREAS, there has been a vacancy in one of the positions known as Assistant Director of Public Works and

WHEREAS, the Human Resources Division has reviewed the vacant job and deems it more efficient to revise the existing job description into a single document that covers both assistant directors of the Department of Public Works, and

WHEREAS, the revised job description will provide more flexible management opportunities to the department director to effectively manage his large department and widely varied functions, now therefore be it

RESOLVED, that the Town Council approves the August, 2004 update of the position description for Assistant Director of Public Works.

**A motion was made by Councilor Billing, seconded by Councilor Kolnaski, that this matter be Adopted.**

**The motion carried unanimously.**

**2004-0280 Public Hearing to Consider Alterations to Sandy Hollow Road - Scenic Road**

RESOLUTION SETTING PUBLIC HEARING TO CONSIDER ALTERATIONS ON SANDY HOLLOW ROAD, A DESIGNATED SCENIC ROAD.

WHEREAS, on January 19, 1999, by resolution, the Town Council designated Sandy Hollow Road

as a Scenic Road according to Town Ordinances, Sec. 13.5-121 to 13.5-124, and

WHEREAS, the Department of Public Works has found that installation of an asphalt curb will control a serious discharge of storm water at the premises of 401 Sandy Hollow Road, now therefore be it

RESOLVED, that the Town Council will hold a public hearing on Tuesday, October 19, 2004, at 7:30 p.m., at Town Hall Annex, Community Room 1.

**A motion was made by Councilor Bartinik, Jr., seconded by Councilor Kolnaski, that this matter be Scheduled for Public Hearing for October 19, 2004.**

*Councilor Billing noted for the public that this project is a small job with a cost of less than \$500, but because it is classified as a scenic road it has to be brought to the Town Council for approval.*

**The motion carried unanimously.**

## **XI. OTHER BUSINESS**

*Councilor Skrmetti and Mayor Watson both agree to postponing the RTM joint meeting with the Town Council scheduled for Tuesday, September 28, 2004. Only five members of the Town Council will be able to attend the meeting and it was agreed that more of the Town Council should be present.*

*Town Manager Mark Oefinger suggested the Town Council attend the next RTM meeting instead.*

**2004-0282**

### **Funding Land Use Application Special Studies**

#### **FUNDING LAND USE APPLICATION SPECIAL STUDIES**

**This matter was Referred to the Town Council Environment & Recreation Committee. The motion carried.**

*In reference to a recent article in the Mystic River Press, Councilor Wright requested a referral to the Environment Committee for funding of land use applications for special studies.*

*The referral was granted by Mayor Watson.*

*Town Manager Oefinger suggested talking to Deb Jones in the Town's Planning Department as she has more knowledge of the subject. He feels this should be a component in the Town's permit fees, which will be updated this year.*

*Town Clerk Tarbox explained to the Town Council that a 6-5-3 request to the RTM is a request that the RTM act on the matter at its next meeting. The Town Charter states that the RTM will review any legislative ordinance passed by the Town Council within 45 days. Normally, the referral would be made to committee at the October RTM meeting and placed on the November RTM agenda, but that is more than 45 days. The only action the RTM can take is a Motion to Veto which requires a 2/3 vote of the entire RTM.*

*Town Clerk Tarbox said the State's official list for absentee ballots has not yet arrived. It is now a week late. The ballots will be available starting October 1, 2004 and residents have until October 19, 2004 to register to vote.*

## **XII. ADJOURNMENT**

*Motion to Adjourn at 9:26 p.m. was made by Councilor Skrmetti, seconded by Councilor Bond and so voted unanimously.*

*Attest:*

*Barbara Tarbox, Town Clerk  
Clerk of the Council*

*Maegan Paquette, Office Assistant*